

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE	:	CHAPTER 11
	:	
STEPHEN DAVID KING,	:	CASE NO. 18-71778-WLH
	:	
Debtor.	:	
	:	
_____ HYUNDAI LEASE TITLING TRUST,	:	_____
	:	
Movant,	:	
	:	
v.	:	CONTESTED MATTER
	:	
STEPHEN DAVID KING, Debtor and	:	
Debtor-in-Possession,	:	
	:	
Respondent.	:	
	:	
	:	
	:	
	:	

MOTION FOR RELIEF FROM AUTOMATIC STAY

NOW COMES HYUNDAI LEASE TITLING TRUST (the "Movant") and moves this Court for relief from the automatic stay and shows the Court as follows:

1.

On December 31, 2018, Stephen David King ("Debtor") filed a Voluntary Petition pursuant to 11 U.S.C. Chapter 11, and said case is pending before this Court.

2.

Movant has a claim in this case based on a Lease Agreement with Debtor for the lease of a 2016 Hyundai Santa Fe VIN KM8SR4HFXGU140053 (the "Vehicle"). The Lease has been paid in full. The approximate purchase option which has expired was \$22,778.00. The Lease matured February 8, 2019. The Vehicle was surrendered, and Movant is in possession.

3.

The Lease Agreement is a "true lease" under Georgia law.

4.

Debtor does not have an equity in the Vehicle or the Lease Agreement and neither the Vehicle nor the Lease Agreement is necessary to an effective reorganization that is in prospect.

5.

Cause exists including the lack of adequate protection to grant Movant relief from the automatic stay so as to authorize Movant to recover the Vehicle.

6.

Movant requests that Rule 4001(a)(3) be waived.

WHEREFORE, Movant prays that this Court:

(a) Hold a hearing pursuant to this Motion within thirty (30) days as is required under 11 U.S.C. Section 362(e);

(b) Enter an Order terminating the estate's interest, if any, in the Lease Agreement as herein defined and providing further that the automatic stay, to the extent it restrains Movant from enforcing its rights in and to the Vehicle, be vacated;

(c) Rule 4001(a)(3) be waived; and

(d) Grant such other and further relief as the Court deems to be just and proper.

This June 25, 2019.

The Law Office of
LEFKOFF, RUBIN, GLEASON & RUSSO, P.C.
Attorneys for Movant

By: /s/Craig B. Lefkoff
Craig B. Lefkoff
Georgia State Bar No. 445045

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	:	
	:	
	:	
	:	

CERTIFICATE OF SERVICE

The undersigned, Craig B. Lefkoff, hereby certifies that I am, and at all times hereinafter mentioned, was more than 18 years of age, and that I served the MOTION FOR RELIEF FROM AUTOMATIC STAY and NOTICE OF HEARING on the following parties 1) electronically, if allowed by and pursuant to the requirements of local rule, or 2) by depositing same in the United States Mail in properly addressed envelope(s) with adequate postage to all others, as follows:

Stephen David King
450 Glenmont Ct
Atlanta, GA 30350

William A. Rountree, Esq.
Rountree Leitman & Klein, LLC
Century Plaza I
2987 Clairmont Road
Suite 175
Atlanta, Georgia 30329

United States Trustee
362 Richard Russell Bldg.
75 Ted Turner Drive, SW
Atlanta, Georgia 30303

This June 25, 2019.

The Law Office of
LEFKOFF, RUBIN, GLEASON & RUSSO, P.C.
Attorneys for Movant

By: /s/Craig B. Lefkoff
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Respondent.	:	

NOTICE OF HEARING

PLEASE TAKE NOTICE that **Hyundai Lease Titling Trust** has filed a Motion for Relief from Automatic Stay and related papers with the Court seeking an order of relief from the Automatic Stay.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion for Relief from Automatic Stay, in Courtroom 1403, The Richard B. Russell Federal Building, 75 Ted Turner Drive, SW, Atlanta, Georgia at 2:30 p.m. on July 18, 2019.

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings, or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address for the Clerk's Office is: Clerk, United States Bankruptcy Court, Room 1340, U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

IF THE MOTION IS FOR RELIEF FROM STAY, and a hearing on the motion for relief from the automatic stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consent to the automatic stay remaining in effect until the Court orders otherwise.

Dated: June 25, 2019

Signature: /s/Craig B. Lefkoff

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